

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DWANVAE PEARSON,

Case No. 3:22-cv-00009-ART-CSD

Plaintiff,

ORDER

v.

TASHEENA COOKE, *et al.*,

Defendants.

Pro se Plaintiff Dwanye Pearson brings this civil-rights action under 42 U.S.C. § 1983 to redress constitutional violations that he claims he suffered while incarcerated at Ely State Prison. (ECF No. 1-1). Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge Craig S. Denney (ECF No. 22), recommending the dismissal of this action with prejudice. Plaintiff had until January 25, 2023, to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R and dismisses this action with prejudice.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Am*, 474 U.S. 140, 149 (1985); see also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“*De novo* review of the magistrate judges’ findings and recommendations is required if, but only if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation”).

Because there is no objection, the Court need not conduct *de novo* review,

1 and is satisfied Judge Denney did not clearly err. The Court incorporates Judge
2 Denney's analysis by reference here. Judge Denney recommends dismissing this
3 action with prejudice for failure to prosecute under Federal Rule of Civil
4 Procedure 41(b). (ECF No. 22). The Court agrees with Judge Denney. Having
5 reviewed the R&R and the record in this case, the Court will adopt the R&R in
6 full.

7 IT IS THEREFORE ORDERED that Judge Denney's R&R (ECF No. 22) is
8 accepted and adopted in full.

9 IT IS FURTHER ORDERED that this action is dismissed with prejudice.

10 IT IS FURTHER ORDERED that Plaintiff's Application to Proceed *in Forma*
11 *Pauperis* (ECF No. 1) is denied as moot.

12 The Clerk of Court is directed to enter judgment accordingly and close this
13 case.

14 DATED THIS 3rd day of February 2023.

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ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE